



SHERRI R. CARTER
District Court Executive and
Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90004
Tel: (213) 894-5535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
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3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

October 29, 2007

Clerk, U.S. District Court
4209 J. Caleb Boggs Federal Bldg
844 North King Street
Wilmington, Delaware 19801-3519

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 NOV -2 PM 3:03

Re: MDL-In Re: Katz Technology Licensing, L.P. V. Comcast Corporation, etal

Your Case Number 07-361

Assigned Central District of California Case Number CV07-6996-RGK(FFMx)

Dear Sir/Madam:

An Order of the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. Sec. 1407 was received and filed in this office on October 26, 2007. Enclosed please find a certified copy of an order directing the transfer of your civil case to the Central District of California for coordinated or consolidate pretrial proceedings.

Please return the copy of this letter along with a certified copy of your docket sheet when transmitting your file.

Sincerely,

Clerk, U.S. District Court

By Rhonda Marshall
Deputy Clerk

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Gary R. Klausner and the assigned discovery Magistrate Judge is Frederick Mumm.

The case number on all documents filed with the Court should read as follows:

CV -07-6996-RGK(FFMx)

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

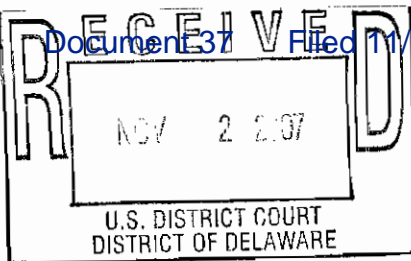
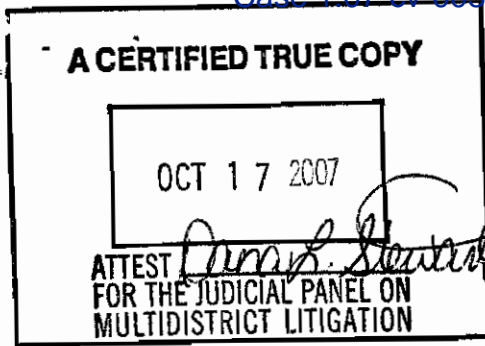
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

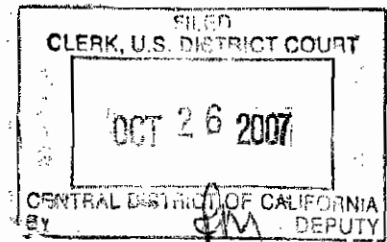
Subsequent documents must be filed at the following location:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Western Division | <input type="checkbox"/> Southern Division | <input type="checkbox"/> Eastern Division |
| 312 N. Spring St., Rm. G-8 | 411 West Fourth St., Rm 1-053 | 3470 Twelfth St., Rm. 134 |
| Los Angeles, CA 90012 | Santa Ana, CA 92701-4516 | Riverside, CA 92501 |

Failure to file at the proper location will result in your documents being returned to you.

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT 17 2007

FILED
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**IN RE: KATZ INTERACTIVE CALL PROCESSING
PATENT LITIGATION**

Ronald A. Katz Technology Licensing, L.P. v.)

Comcast Corp., et al., D. Delaware,)

C.A. No. 1:07-361 - CV 07-6996-*RGK* MDL No. 1816
(FFM)**TRANSFER ORDER**

Before the entire Panel^{*}: The Comcast defendants¹ in this action move pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to partially vacate its order conditionally transferring license-related counterclaims in the action to the Central District of California for inclusion in MDL No. 1816. Plaintiff opposes the motion.

After considering all counsel's argument, we find that this action involves common questions of fact with actions in this litigation previously transferred to the Central District of California, and that transfer of all claims in this action to the Central District of California for inclusion in MDL No. 1816 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Central District of California was a proper Section 1407 forum for actions involving challenges to the validity and/or infringement of the "Katz" patents which relate to the integration of telephone systems with computer databases and/or live operator call centers to provide "interactive call processing" or "interactive voice response." See *In re Katz Interactive Call Processing Patent Litigation*, 481 F.Supp.2d 1353 (J.P.M.L. 2007).

Although the Comcast defendants do not oppose inclusion of the patent infringement claims or

^{*} Judge Heyburn took no part in the disposition of this matter.

¹ Comcast Corp.; Comcast Cable Communications, LLC; Comcast of New Castle County, LLC; Comcast of Delmarva, Inc.; Comcast of Eastern Shore, LLC; Comcast of California II, LLC; Comcast of California/Colorado, LLC; Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc.; Comcast of Colorado/Pennsylvania/West Virginia, LLC; Comcast of Florida/Illinois/Michigan, Inc.; Comcast of Garden State, L.P.; and Comcast of Houston, LLC.

-2-

related counterclaims in MDL No. 1816 proceedings, they ask that the Panel separate and simultaneously remand their license enforcement counterclaims to the District of Delaware. We decline to do so, because the license-related counterclaims appear to be intertwined with affirmative defenses of non-infringement. It may be, on further refinement of the issues and close scrutiny by the transferee judge, that license-related or other claims can be remanded to the transferor district in advance of other claims. But we are unwilling, on the basis of the record before us, to make such a determination at this time. Should the transferee judge deem remand of any claim(s) appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See* Rule 7.6, 192 F.R.D. at 470-72.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Central District of California and, with the consent of that court, assigned to the Honorable R. Gary Klausner, for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



D. Lowell Jensen
Acting Chairman

John G. Heyburn II, Chairman*
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica

I do hereby attest and certify on 11/26/07
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

By Rhonda Marshall Deputy



UNITED STATES JUDICIAL PANEL

on

MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
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<http://www.jpml.uscourts.gov>

October 17, 2007

Sherri R. Carter, Clerk
G-8 U.S. Courthouse
312 North Spring Street
Los Angeles, CA 90012

Re: MDL No. 1816-- IN RE: Katz Interactive Call Processing Patent Litigation

Ronald A. Katz Technology Licensing, L.P. v. Comcast Corp., et al., D. Delaware, C.A. No. 1:07-361

Dear Ms. Carter:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Dana R. Stewart
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Robert Gary Klausner
Transferor Judge: Judge Joseph J. Farnan, Jr.
Transferor Clerk: Peter T. Dalleo